



PATENTS

Attorney Docket No. 105576-0065-101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Chang, et al.
Application No. : 10/602,853 Confirmation No.: 9278
Filed : June 24, 2003
For : VECTORS FOR TISSUE-SPECIFIC REPLICATION
AND GENE EXPRESSION
Group Art Unit : 1633
Examiner : Scott Long

New York, New York
August 31, 2007

Mail Stop Petition

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER BY ASSIGNEE

Cell Genesys, Inc. is the owner of 100% interest in the above-captioned application and in United States patent 5,998,205 (hereinafter the '205 patent), issued December 7, 1999.

The undersigned, on behalf of Cell Genesys, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term of the '205 patent, including any patent term extensions, restorations or adjustments for said patent available under all applicable

statutes including 35 U.S.C. §§ 154 through 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of the '205 patent. The undersigned, on behalf of Cell Genesys, Inc., also hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to it and to the above-identified '205 granted patent shall be commonly owned. This agreement runs with any patent granted on the above-captioned application, and is binding upon the grantee, its successors or assigns.*

In making the above disclaimer, the undersigned, on behalf of Cell Genesys, Inc., does not disclaim the terminal part of the full statutory term of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the '205 patent, in the event that the '205 patent expires for failure to pay a maintenance fee, is held unenforceable and/or invalid by a court of competent jurisdiction, is statutorily disclaimed in

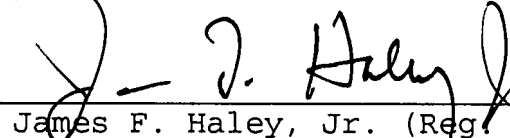
* It is applicants' and assignee's intention that if any change in the patent statutes changes the expiration date of the '205 patent, or if said patent is hereafter awarded patent term adjustment under 35 U.S.C. § 154(b), then the date beyond which the term of any patent to issue on this application is disclaimed shall change along with the expiration date of the '205 patent.

whole or terminally disclaimed under 35 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or its term is in any manner shortened prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned states that he is an attorney of record in the above-identified patent application and is authorized to sign the Terminal Disclaimer on behalf of Cell Genesys, Inc., that he has reviewed the evidentiary documents relating to title of the above application in Cell Genesys, Inc., and certifies that, to the best of the undersigned's and Cell Genesys, Inc.'s knowledge and belief, title to the above application is in Cell Genesys, Inc. by virtue of assignment(s) from the named inventors to Genetic Therapy, Inc., recorded in the United States Patent and Trademark Office on May 18, 1998 at Reel 9198, Frame 0170, and from Genetic Therapy, Inc. to Cell Genesys, Inc. recorded in the United States Patent and Trademark Office on December 1, 2003 and July 6, 2004, in the above-identified patent application at Reel 014743, Frame 0588 and Reel 015530, Frame 0095.

This Terminal Disclaimer is accompanied by a fee transmittal form authorizing payment of the appropriate fee under 37 C.F.R. § 1.20(d).

Respectfully submitted,



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